

an antennae structure, coupled with the receiver, to receive one or more wireless communication channels transmitted from a remote apparatus, the antennae structure including a plurality of electric dipole antennae and a plurality of magnetic dipole antenna, said electric dipole antennae and magnetic dipole antennae organized to form a single antenna structure.

44. (New) An apparatus according to claim 43, the antennae structure comprising three electric dipole antennae and three magnetic dipole antennae, wherein each of the electric dipole antennae have different polarizations from one another and each of the magnetic dipole antennae have different polarizations from one another, all commonly configured within the single antenna structure.

45. (New) An apparatus according to claim 43, further comprising a portable energy source, coupled to the receiver, to provide power to enable the receiver to operate.

REMARKS

This response is provided to the Office Action of January 13th, 2004. With this response, Applicant has amended claims 1, 12 and 20, and has added new claims 43-45. The amendment to claims 1 and 20, while not necessitated by the particular prior art cited in the Action, is designed to further distinguish the claimed invention from that of the prior art. The amendment to claim 12 merely removes a lingering informality identified therein. The new claims 43-45 merely introduce an alternate embodiment of the invention. In all cases, such amendments and new claims are fully supported by the original specification, claims and/or figures. In this

regard, no new matter has been introduced. Accordingly, with this response, claims 1-45, as amended, remain pending.

§103(a) Rejection of Claims 1-42

In **paragraphs 1 and 2** of the Action claims 1-42 were rejected as being unpatentable over a patent issued to Rich (USP 5,940,452) in view of a patent issued to Andrews, et al. (USP 6,646,615). In response, Applicant respectfully traverses the rejection of such claims.

In order to support a §103(a) rejection, the Action must establish that the cited reference(s) disclose or suggest each of the claimed elements. With reference to, e.g., claim 1 the Action cites Rich as disclosing the element of generating control signals to configure the base transceiver station to transmit selected data streams to a corresponding subscriber unit on an assigned channel of a multiple access protocol.

Although the passage cited in the Action uses the term “control signal”, it does not disclose generating a control signal to *configure the base transceiver station (BTS) to transmit selected data streams to a corresponding subscriber unit on an assigned channel of a multiple access protocol*. Rather, the control signals generated in Rich merely determine whether the first, second or both diversity antennae in the subscriber unit are enabled. In this regard, the control signals employed within the subscriber unit cannot be read as control signals to configure a BTS, as provided in rejected claim 1.

In addition to the foregoing distinction, Applicant respectfully submits that Andrews fails to disclose or suggest the element of utilizing a plurality of electric dipole antennae and a plurality of magnetic dipole antennae, said electric dipole antennae and magnetic dipole antennae co-located with one another at the subscriber unit to receive the selected data streams.

Although Andrews may disclose utilizing an electric dipole antenna and a magnetic dipole antenna, it fails to disclose or suggest using multiple such antennas. The passage relied upon in the Action merely discloses that using multiple polarizations for the electric dipole antenna and the magnetic dipole antenna to increase the number of polarization diversity

- communication channels. When the Action asserts that Andrews discloses the use of 6 antennas, the cited passage discloses that the polarization diversity in a scattering environment may create up to six distinct communication channels – Andrews does not disclose or suggest the use of six antennas (i.e., 3 electric dipole antennae and 3 magnetic dipole antennae) (see, e.g., Fig. 5 and the specification associated therewith).

In addition, Applicant asserts that Andrews and Rich fail to disclose the use of multiple electric dipole and magnetic dipole antennas in a single antenna structure, as provided in, e.g., amended claims 1 and 20, as well as claims 39, 40, 41, 42 and 43. Rather, Rich discloses the use of multiple antennas remotely located one from the other by some distance (d), i.e., they are not co-located. Similarly, Andrews fails to disclose the use of 3 electric dipole antennae and 3 magnetic dipole antennae co-located within the same antennae structure, as provided in the independent claims of the pending application.

Accordingly, Applicant respectfully submits that neither Rich nor Andrews, alone or in combination, disclose or suggest that which is claimed in, e.g., rejected claim 1. Accordingly, Applicant respectfully requests that the §103(a) rejection thereof be withdrawn.

Applicant notes that claims 20, 39, 40, 41, 42 and 43 enjoy similar claim elements to those identified above that distinguish claim 1 over the cited references. Accordingly, Applicant respectfully submits that, in addition to other independent bases for patentability, claims 20, 39,

40, 41, 42 and newly introduced claim 43 are likewise patentable over the cited references for at least arguments analogous to those presented above.

Claims 2-19, 21-38, 44 and 45 each depend from patentable base claims 1, 20, or 43, respectively. Accordingly, in addition to any independent bases for patentability, Applicant respectfully submits that such claims are likewise patentable over the cited references by virtue of at least such dependency. Thus, Applicant respectfully requests that the §103(a) rejection of claims 2-19, 21-38 be withdrawn.

CONCLUSION

Applicant respectfully submits that pending claims 1-45, as selectively amended, are in condition for allowance, and earnestly awaits notice thereof. Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned is respectfully solicited.

Respectfully submitted,
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